



## Staff Report for Heritage Richmond Hill Meeting

Date of Meeting: October 3, 2024

Report Number: SRPBS.24.082

Department: Planning and Building Services

Division: Policy Planning

**Subject: SRPBS.24.082 - Notice of Intention to Designate  
159 Mill Street - City File D12-07334**

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### Purpose:

To seek Heritage Richmond Hill's recommendation that Council state its intention to designate the property at 159 Mill Street under Part IV, Section 29 of the *Ontario Heritage Act*. This proposed designation is being sought in response to the Province's Bill 23 and Bill 200, which mandate that all "listed" heritage properties be removed from the City's Heritage Register unless they are designated by January 1, 2027.

### Recommendation(s):

- a) That Staff Report SRPBS.24.082 titled "Notice of Intention to Designate 159 Mill Street" be received;
- b) That Council state its intention to designate the property at 159 Mill Street under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance, and in accordance with the Statement of Significance: 159 Mill Street included as Attachment A to SRPBS.24.082;
- c) That Staff be directed to publish and serve Council's Notice of Intention to Designate as per the requirements of the *Ontario Heritage Act*;
- d) That if there are no objections to the designation in accordance with the provisions of the *Ontario Heritage Act*, that Staff be directed to place a designation by-law before Council at a future Council meeting for adoption; and
- e) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Contact Person(s):

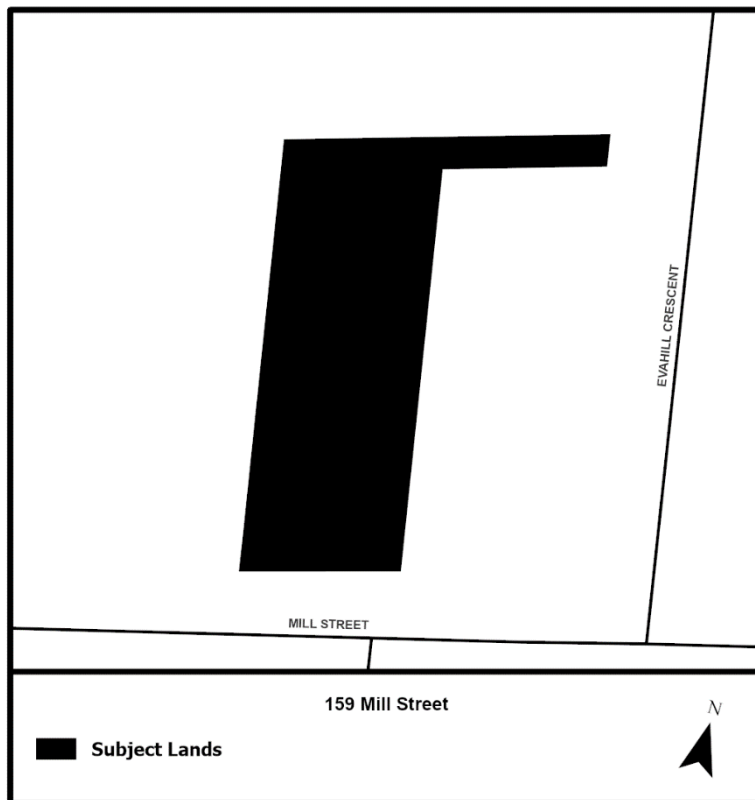
- Julia Smith, Urban Design/Heritage Planner – Tel. 905-747-6305
- Kunal Chaudhry, Manager of Heritage & Urban Design – Tel. 905-771-5562
- Gus Galanis, Commissioner of Planning and Building Services – Tel. 905-771-2465

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### Report Approval:

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the report's approval are attached.

### Location Map:



### Key Messages:

- The Province, Region, and City have made a clear commitment to the conservation of cultural heritage resources through legislation and policy;
- As a result of Bill 23, all 235 of the City's "listed" heritage properties would have been automatically removed from the Register on January 1, 2025, unless they were designated under the *Ontario Heritage Act* prior to this deadline;
- The City developed a Bill 23 Heritage Designation Strategy to identify and focus resources on designating "listed" properties with the highest cultural heritage value within the limited timeframe;
- While Bill 200 extends this deadline to January 1, 2027, the subject property at 159 Mill Street remains a priority for designation as part of the Bill 23 Heritage Designation Strategy;

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- The subject property at 159 Mill Street has been thoroughly researched and evaluated for cultural heritage significance using Ontario Regulation 9/06 (“O. Reg. 9/06”) criteria;
- The subject property has been found to meet three O. Reg. 9/06 criteria (1, 4 and 8) and thus not only meets, but exceeds the threshold for designation under Part IV of the *Ontario Heritage Act*.

## Background:

### Heritage Conservation in Richmond Hill and the Impacts of Bill 23 and Bill 200

The purpose of this Staff Report is to provide information and recommend the property at 159 Mill Street for designation under Part IV, Section 29 of the *Ontario Heritage Act* in response to Bill 23 and Bill 200. This section provides background information on the legislative and policy context for heritage conservation in Richmond Hill, and the impacts of Bill 23 and Bill 200 on the City’s identified cultural heritage resources.

#### Provincial direction to support the conservation of significant cultural heritage resources

The Province of Ontario has made a clear commitment to the conservation of cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (“OHA”), Provincial Policy Statement (“PPS”, 2020), and the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”, 2019). Both the PPS and the Growth Plan mandate the conservation of significant cultural heritage resources and significant cultural heritage landscapes. The OHA enables municipalities to protect significant cultural heritage resources and landscapes via designation and provides a framework for evaluating properties for heritage significance using prescribed provincial criteria.

The commitment to heritage conservation continues at the regional and municipal level through supportive objectives and policies in the York Region Official Plan (2022), and the Richmond Hill Official Plan (2023). The City’s Official Plan recognizes that the conservation of cultural heritage resources is an integral part of place-making, contributing to the City’s identity, economic potential, and quality of life. It is the policy of Council to protect and conserve cultural heritage resources in accordance with applicable legislation and recognized heritage protocols, including through designation under the OHA.

#### Richmond Hill’s Heritage Register includes designated and “listed” heritage properties

The OHA enables municipalities to establish a formal list, or “Register,” of all properties of cultural heritage value or interest. In Richmond Hill, the Register includes both properties that have been designated under Part IV or V of the OHA, and non-designated properties that are believed to be of cultural heritage value or interest, often referred to as “listed” properties.

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There are currently 336 properties on Richmond Hill’s Heritage Register; the vast majority of those properties, 235, are non-designated “listed” properties.

### **Bill 23 and Bill 200 have implications for the protection of “listed” heritage properties**

Bill 23 (the “*More Homes Built Faster Act*”), received royal assent on November 28, 2022. One of the most significant changes to the OHA implemented by Bill 23 was the enactment of a two-year time limit on “listed” heritage properties. As a result of Bill 23, all 235 of the City’s “listed” heritage properties would have been automatically removed from the Register on January 1, 2025, unless they were designated under the OHA prior to this deadline.

Bill 200 (the “*Homeowner Protection Act*”) received royal assent on June 6, 2024, and extends the Bill 23 deadline for municipalities to designate their listed heritage properties until January 1, 2027. Any properties removed from the Register because of this statutory deadline cannot be “re-listed” for a five-year period.

Once a property is removed from the Register, the City no longer has any legal mechanism to deny demolition or alteration permits that may adversely impact a property’s heritage attributes and cultural heritage value.

Regardless of the time extension granted though Bill 200, Bill 23 makes designation under Part IV or V of the OHA the only tool available to the City to ensure the long-term protection of its significant cultural heritage resources.

## **Discussion:**

### **Richmond Hill’s Bill 23 Heritage Designation Strategy**

In response to Bill 23, the City’s Heritage Designation Strategy was developed to identify and focus resources on designating “listed” properties with the highest cultural heritage value within the limited timeframe. This section explains the process and approach for prioritizing “listed” properties and determining a property’s cultural heritage value or interest for the purpose of designation.

#### **“Listed” heritage properties are prioritized and evaluated using Provincial Criteria**

All 235 “listed” heritage properties were screened and prioritized for potential designation based on cultural heritage value. Staff also consulted with a sub-committee of Heritage Richmond Hill as part of the screening process.

All properties proposed for designation have been thoroughly researched and evaluated using Ontario Regulation 9/06 (“O. Reg. 9/06”), the prescribed provincial Criteria for Determining Cultural Heritage Value or Interest.

Under the OHA, municipal councils may designate a property to be of cultural heritage value or interest if the property meets two or more of the nine criteria outlined below:

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1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method;
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit;
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement;
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture;
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community;
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area;
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings;
9. The property has contextual value because it is a landmark.

### **Statements of Significance are prepared for each proposed property**

As required by the OHA, Statements of Significance (“SoS”) have been prepared for all properties proposed for designation, and will be included in future heritage designation by-laws. These SoS include a description of the cultural heritage significance of the property and a list of heritage attributes that embody this significance. SoS provide clarity to both the City and the property owner about which elements of the property should be conserved.

Note that Part IV designation does not prevent future alterations to a property, but rather provides a guide to determine whether proposed alterations will adversely impact the heritage significance of the property.

### **Affected property owners are notified of the proposed designation**

Under the OHA, formal notice to property owners is only required after Council has stated its intention to designate a property under Part IV of the Act. However, as a courtesy, all affected property owners have been notified in advance that their property

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is being proposed for designation. As part of this notice, owners were provided information on how to access relevant Research and Evaluation Reports, Statements of Significance, and Staff Reports. Per the OHA, interested parties may formally object to a designation after Council has stated its intention to designate a property. Further, interested parties may appeal a designation to the Ontario Land Tribunal (OLT) after Council has passed a designation by-law for a property.

### **159 Mill Street Merits Designation Under Part IV of the OHA**

This staff report recommends that Council state its intention to designate the Thomas Smith House at 159 Mill Street under Part IV of the OHA as part of the City's Bill 23 Heritage Designation Strategy.

The subject property has been thoroughly researched and evaluated for cultural heritage significance using O. Reg. 9/06 criteria. The property has been found to meet three of the nine O. Reg 9/06 criteria (1, 4, and 8), meaning that it not only meets, but exceeds the threshold for designation under the Act.

A summary of the subject property's cultural heritage significance is included below:

Dating to c. the 1850s, the Thomas Smith House at 159 Mill Street has physical value as a rare surviving example of the Ontario Cottage style in Richmond Hill; historical value for direct associations with early Richmond Hill settler and sawmiller Thomas Smith and the Keall-Empringham family of farmers; and contextual value for functional and historical links to its surroundings on Mill Street.

Detailed information on the subject property's history and cultural heritage value can be found in the "Statement of Significance" (Attachment A) and "Heritage Research and Evaluation Report" (Attachment B).

### **Next Steps**

Properties being recommended through the Heritage Designation Strategy are being brought forward to the City's Heritage Richmond Hill Committee for input and then to Council for a decision. This section outlines the process for designation and the applicable procedures following Council consideration.

### **Process and procedures for designation under Part IV of the Act**

The following is a summary of key processes and notification requirements related to designation under Part IV of the OHA:

- Council is advised by its municipal heritage committee with respect to the cultural heritage value of the property;
- Should Council wish to pursue designation, it must issue a "Notice of Intention to Designate" ("NOID") the property, to be served on the owner and the Ontario Heritage Trust and published on the City's website;

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- Following publication of the notice, interested parties may object to the NOID within a 30-day window; if an objection notice is received, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council wish to proceed with designation, it must pass a designation by-law within 120 days of publishing the NOID;
- A Notice of the Passing of the By-law is to be served on the owner, anyone who objected to the NOID, and the Ontario Heritage Trust, and must be published on the City's website;
- The proposed designation is considered withdrawn if Council does not pass the designation by-law within 120 days of publishing the NOID;
- Following publication of the designation by-law, there is a 30-day appeal period, during which interested parties can serve notice to the clerk of the municipality and the OLT of their objection to the designation;
- Should no appeal be received within the 30-day appeal period, the designation by-law comes into force; should an appeal be received, the matter will be brought to the OLT for their ruling.

### **Financial Implications:**

There are no direct financial implications to the City resulting from this staff report.

### **Relationship to Strategic Plan 2024-2027:**

The long-term conservation and protection of significant cultural heritage resources via designation under the *Ontario Heritage Act* supports Pillar 1 of the 2024-2027 Strategic Plan, "Growing a Livable, Sustainable Community"; specifically, it supports Priority 3 of Pillar 1, "to build and implement a land-use planning vision and regulatory framework while conserving the city's unique cultural heritage."

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment A: Statement of Significance – 159 Mill Street
- Attachment B: Heritage Research and Evaluation Report – 159 Mill Street

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### Report Approval Details

Document Title:	SRPBS.24.082 - Notice of Intention to Designate 159 Mill Street - City File D12-07334.docx
Attachments:	- SRPBS.24.082 - Attachment A - Statement of Significance -159 Mill St.pdf - SRPBS.24.082 - Attachment B - Heritage Research and Evaluation Report - 159 Mill St.pdf
Final Approval Date:	Sep 10, 2024

This report and all of its attachments were approved and signed as outlined below:

**Maria Flores - Sep 10, 2024 - 12:33 PM**

**Gus Galanis - Sep 10, 2024 - 1:49 PM**

**Darlene Joslin - Sep 10, 2024 - 1:52 PM**